

REMARKS

Claims 42-62 were presented for examination and were rejected. In the present amendment, claims 42-45, 48, 49, 51-55, 58, 59, 61 and 62 have been amended. No new matter has been introduced. Upon entry of the present amendment, claims 42-62 will be currently pending in this application, of which claims 42, 52 and 62 are independent. Applicants submit that claims 42-62 are in condition for allowance.

The following comments address all stated grounds of rejection. Applicants traverse all rejections to the extent they are maintained over the claims as amended and urge the Examiner to pass the claims to allowance in view of the remarks set forth below.

EXAMINER'S INTERVIEW

Applicants thank the Examiner for granting the Examiner's Interview on February 4, 2010. During the Interview, we discussed the pending claims in view of the cited references.

CLAIM REJECTIONS UNDER 35 U.S.C. § 103

I. Claims 42-62 Rejected Under 35 U.S.C. § 103

Claims 42-62 are rejected under 35 U.S.C. 103(a) as unpatentable over U.S. Patent No. 6,772,347 to Xie et al. ("Xie") in view of U.S. Patent Publication No. 2005/0086206 to Balasubramanian ("Balasubramanian") and further in view of U.S. Patent Publication No. 2004/0250124 to Chesla ("Chesla"). Claims 42, 52 and 62 are independent. Claims 43-51 depend on and incorporate all the patentable subject matter of independent claim 42. Claims 53-61 depend on and incorporate all the patentable subject matter of independent claim 52.

Applicants respectfully traverse this rejection to the extent it is maintained over the claims as

amended and submit that Xie, Balasubramanian and Chesla, alone or in combination, does not teach or suggest each and every element of the pending claims.

A. Independent Claims 42, 52 and 62 Patentable over Xie, Balasubramanian and Chesla

To establish *prima facie* obviousness of a claimed invention, all the claimed limitations must be taught or suggested by the prior art. Claims 42, 52 and 62, as amended, recite an intermediary receiving a first message having a first URL comprising a first URL component and a second URL component, maintaining a first number of user sessions having one or more messages rejected based on the first URL component and maintaining a second number of user sessions having one or more messages rejected based on the second URL component. The second URL component is a descendant of the first URL component. These claims further recite determining that the first number of user sessions exceeds a threshold and that the second number of user sessions does not exceed the threshold. Applicants submit that Xie, Balasubramanian and Chesla, alone or in combination, fail to teach or suggest each and every element of independent claims 42, 52 and 62.

The combination of Xie, Balasubramanian and Chesla fails to teach or suggest maintaining a count of user sessions each having one or more messages rejected based on a first URL component. In the Office Action, Chesla is cited for a counter and threshold feature for which both Xie and Balasubramanian are lacking. In Chesla, when the number of packets characterized by a parameter exceeds a threshold value, these packets are identified as malicious and a filter is applied to block these packets (see paragraphs [0028-0029] and [0033]). Rather than counting the number of *user sessions* having a specific characteristic, Chesla only contemplates counting *packets* characterized by certain parameters. Chesla at most suggests *counting packets* of specific characteristics within certain periods of time (paragraph [0033], last

sentence) instead of identifying user sessions to count. Since Chesla, as with Xie and Balasubramanian, lacks the concepts and any suggestion of (i) counting user sessions and (ii) differentiating between traffic received via different user sessions in performing counts, the combination of references fails to suggest maintaining any count for user sessions having at least one message rejected based on a first URL component. Accordingly, the combination of references also fails to suggest maintaining a first number of user sessions and a second number of user sessions having messages with URL components that are hierarchically-related.

In addition, the combination of references fails to suggest determining that a first number of user sessions exceeds a threshold and that a second number of user sessions does not exceed the threshold. Chesla, which provides the counting feature for the combination, only counts packets and therefore fails to contemplate comparing any user-session count, or combinations of such counts, against a threshold. Moreover, Chesla fails to contemplate a scenario in which a first number of user sessions exceeds the threshold while a second number of user sessions does not exceed that same threshold, as a triggering event (e.g., for generating an exception rule). Therefore, for at least these and the earlier reasons, Chesla fails to remedy the deficiencies of Xie and Balasubramanian in view of the present claims.

Applicants further note that since Chesla blocks traffic upon satisfying a threshold, Chesla actually teaches away from allowing messages upon reaching a threshold. In fact, Chesla identifies such messages as malicious and therefore acts to block them. Since Chesla lacks an appreciation that a sufficiently large number of user sessions having specific messages can indicate valid (instead of malicious) traffic, one of ordinary skill in the art would not be motivated to apply Chesla in combination with any other references for the claimed features.

For at least these reasons, the combination of Xie, Balasubramanian or Chesla fails to teach or suggest each and every feature of the independent claims. Therefore, Applicants submit that independent claims 42, 52 and 62, and dependent claims 43-51 and 53-61, are patentable and in condition for allowance. Accordingly, Applicants request the Examiner to withdraw the rejection of claims 42-62 under 35 U.S.C. §103.

CONCLUSION

In light of the aforementioned amendments and arguments, Applicants contend that each of the Examiner's rejections has been adequately addressed and all of the pending claims are in condition for allowance. Accordingly, Applicants respectfully request reconsideration, withdrawal of all grounds of rejection, and allowance of all of the pending claims.

Should the Examiner feel that a telephone conference with Applicants' agent would expedite prosecution of this application, the Examiner is urged to contact the Applicants' agent at the telephone number identified below.

Respectfully submitted,

CHOATE, HALL & STEWART, LLP

Dated: February 17, 2010

/Meng H. Pua/

Meng H. Pua

Registration No. 63,167

Agent for Applicants

Choate, Hall & Stewart, LLP

Two International Place

Boston, MA 02110

(617) 248-5000